

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 103.6, the Electrical Examining Board hereby gives Notice of Intended Action to amend Chapter 500, "Electrician and Electrical Contractor Licensing Program—Organization and Administration," Chapter 501, "Electrician and Electrical Contractor Licensing Program—Administrative Procedures," Chapter 502, "Electrician and Electrical Contractor Licensing Program—Licensing Requirements, Procedures, and Fees," and Chapter 503, "Electrician and Electrical Contractor Licensing Program—Complaints and Discipline," to adopt new Chapter 505, "Electrician and Electrical Contractor Licensing Program—Continuing Education," and to amend Chapter 550, "Electrical Inspection Program—Organization and Administration," Chapter 551, "Electrical Inspection Program—Definitions," and Chapter 552, "Electrical Inspection Program—Permits and Inspections," Iowa Administrative Code.

The Electrical Examining Board is authorized to adopt administrative rules governing all aspects of licensing electricians and electrical contractors and of the state electrical inspection program. The proposed amendments update rules previously adopted, make changes to comply with statutory changes enacted during the 2009 Session of the Iowa General Assembly, and codify Board policies.

A public hearing on these proposed amendments will be held on October 15, 2009, at 10 a.m. in the First Floor Public Conference Room (Room 125), State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319, by mail; by telephone at (515)725-6185; or by electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us), at least one day prior to the public hearing.

Any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated by 4:30 p.m. on October 14, 2009, or submitted at the public hearing.

Rules adopted by the Electrical Examining Board are subject to the waiver provisions of rule 661—501.5(17A).

These amendments are intended to implement Iowa Code chapter 103 as amended by 2009 Iowa Acts, Senate File 159, and 2009 Iowa Acts, Senate File 478.

The following amendments are proposed.

ITEM 1. Strike "82GA,ch197" wherever it appears in **661—Chapter 500 to Chapter 503** and insert "103" in lieu thereof.

ITEM 2. Adopt the following **new** definitions of "Emergency installation" and "Farm" in rule **661—500.2(103)**:

*"Emergency installation"* means an electrical installation necessary to restore power to a building or facility when existing equipment has been damaged due to a natural or man-made disaster or other weather-related cause. Emergency installations may be performed by persons properly licensed to perform the work, and may be performed prior to submission of a request for permit or request for inspection. A request for permit and request for inspection, if required by rule 661—552.1(103), shall be made as soon as practicable and, in any event, no more than 72 hours after the installation is completed.

*"Farm"* means land, buildings and structures used for agricultural purposes including but not limited to the storage, handling, and drying of grain and the care, feeding, and housing of livestock.

ITEM 3. Amend subrule 501.5(2) as follows:

**501.5(2)** Strike any reference to the address of the department of public safety or any unit thereof and replace it with “State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319 ~~Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.~~”

ITEM 4. Amend rule 661—502.1(103) as follows:

**661—502.1(103) License categories and licenses required.**

**502.1(1)** The following categories of license are established:

- a. Electrical contractor.
- b. Master electrician, class A.
- c. Master electrician, class B.
- d. Journeyman electrician, class A.
- e. Journeyman electrician, class B.
- f. Apprentice electrician.
- g. Special electrician.
- h. Unclassified person.
- i. Inactive master electrician.

**502.1(2)** A person who holds any class of license issued by the board, other than a class B license, may perform the work authorized by that license anywhere within the state of Iowa. A person who holds a special electrician license may perform the work which is authorized by that license endorsement. A person who holds a class B license may perform the work authorized by that license except in a political subdivision which, by local ordinance, has, pursuant to Iowa Code section 103.29, subsection 4, as amended by 2009 Iowa Acts, Senate File 159, restricted or barred such work by a person who holds a class B license.

**502.1(3)** A person who does not have a current valid license shall not perform work as an electrician or as an unclassified person. A person shall not perform work which requires licensing and which is not specifically authorized under the license issued.

EXCEPTION 1: A person who holds a current valid license issued by a political subdivision may perform work as an electrician or unclassified person within the corporate limits of the political subdivision which issued the license.

EXCEPTION 2: A person who has submitted a completed application and the applicable fee to the board may perform work authorized by the license applied for, provided (a) that the person is not clearly unqualified for the license applied for, (b) that the person has, prior to January 1, 2008, been performing work equivalent to work authorized under the license being applied for, and (c) that, prior to the actual issuance of licenses by the board, a person may not perform work in a political subdivision which issues electrician licenses unless the person holds a current and valid license issued by that political subdivision.

~~NOTE: Exception 2 is temporary and will be rescinded when licenses are issued by the board. The rescission may occur as early as April 1, 2008, and is expected to occur no later than July 1, 2008.~~

EXCEPTION 3: A person may work for up to 100 continuous days as an unclassified person prior to obtaining a license. Any documented time during which a person has worked as an unclassified person prior to January 1, 2008, or any time during which a person has worked as a licensed unclassified person shall be credited to any applicable experience requirement. Any time during which a person works as an unclassified person without a license on or after January 1, 2008, shall not be counted toward any such experience requirement, except that a person may receive credit for time worked as an unclassified person on or after January 1, 2008, without a license if the person has applied for a license.

EXCEPTION 4: Electrical installations in buildings, including residences or facilities which are being constructed as part of a course of instruction by an accredited educational institution, may be performed by a person who is not licensed. Such installations are subject to the requirements for permits and inspections pursuant to 661—Chapter 552.

ITEM 5. Amend subrule 502.2(1) as follows:

**502.2(1)** An electrical contractor license may be issued to a person who submits to the board the required application with the applicable fee, who holds or employs a person who holds a master electrician license, who is registered as a contractor with the labor services division of ~~the Iowa department of~~ workforce development, and who is not disqualified pursuant to rule 661—502.4(103). An electrical contractor license issued to a person who holds a class B master electrician license is subject to the same restriction of use as is the class B master electrician license.

ITEM 6. Adopt the following new subrule 502.2(9):

**502.2(9)** An inactive master electrician license may be issued to a holder of a master electrician license who surrenders the master electrician license and requests placement in inactive status. The license holder shall receive a refund of the license fee paid for the master electrician license, prorated by the number of years remaining prior to the expiration of the license, minus the applicable fee for the inactive license. A holder of an inactive license shall maintain all requirements which would apply for an active master electrician license, except for payment of the fee required for an active license, during the term of the inactive license. If the license holder fails to meet any such requirement during the term of the inactive license, the license holder shall not be entitled to reinstatement of an active license. If the license holder continues to meet all such requirements while holding an inactive license, the license holder may obtain an active master electrician license by surrendering the inactive master license, filing an application for reinstatement, and paying the applicable license fee. The holder of an inactive license who seeks reinstatement of an active license shall not receive any refund of the fee paid for the inactive license. A person who holds an inactive license may not perform work which requires the person to be a holder of that license, but may perform work authorized by any active license issued by the board which the person holds.

ITEM 7. Amend rule 661—502.3(103) as follows:

**661—502.3(103) License terms and fees.** The following table sets out the length of term of each license and the fee for the license.

License Type	Term	Fee
Electrical Contractor	3 years	\$375
Master Electrician, Class A	3 years	\$375
Master Electrician, Class B	3 years	\$375
Journeyman Electrician, Class A	3 years	\$75
Journeyman Electrician, Class B	3 years	\$75
Special Electrician	3 years	\$75
Apprentice Electrician	1 year	\$25
Unclassified Person	1 year	\$20
<u>Inactive Master Electrician</u>	<u>3 years</u>	<u>\$75</u>

**502.3(1) and 502.3(2)** No change.

**502.3(3)** If a license is issued for less than the period of time specified in the table above, the fee shall be prorated according to the number of months for which the license is issued.

ITEM 8. Amend rule 661—502.6(103) as follows:

**661—502.6(103) Restriction of use of class B licenses by political subdivisions.** A political subdivision may disallow or restrict the use of a class B license to perform electrical work within the geographic limits of that subdivision through adoption of a local ordinance. A copy of any such ordinance shall be filed with the board office prior to the effective date of the ordinance. If a class B license holder held a license issued or recognized by a political subdivision on December 31, 2007, that

political subdivision may not restrict the license holder from performing work which would have been permitted under the terms of the license issued or recognized by the political subdivision.

EXCEPTION 1: An ordinance restricting or disallowing electrical work by holders of class B licenses shall not apply to work which is not subject to the issuance of permits by the political subdivision.

EXCEPTION 2: An ordinance restricting or disallowing electrical work by holders of class B licenses which was passed prior to January 1, 2008, shall be filed with the board as soon as practicable and, in any case, no later than April 1, 2008.

ITEM 9. Adopt the following new rule 661—503.6(103,272D):

**661—503.6(103,272D) Suspension or revocation for nonpayment of debts owed state or local government.** The following procedures shall apply to actions taken by the board on a certificate of noncompliance received from the Iowa department of revenue pursuant to Iowa Code chapter 272D.

**503.6(1)** The notice required by Iowa Code section 272D.3 shall be served upon the licensee by regular mail.

**503.6(2)** The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 272D.3, shall be 20 days following service upon the licensee.

**503.6(3)** Licensees shall keep the board informed of all court actions and centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and shall provide the board with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

**503.6(4)** All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the board has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 272D.

**503.6(5)** In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code section 272D.8, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**503.6(6)** Suspensions or revocations imposed pursuant to this rule may not be appealed administratively to the board or within the department of public safety.

NOTE: The procedures established in rule 661—503.6(103,272D) implement the requirements of Iowa Code chapter 272D. The provisions of Iowa Code chapter 272D establish mandatory requirements for an agency which administers a licensing program, such as the electrician and electrical contractor licensing program established in 661—Chapters 501 through 503, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

ITEM 10. Amend **661—Chapter 503**, implementation sentence, as follows:

These rules are intended to implement ~~2007 Iowa Acts, chapter 197, and Iowa Code chapter chapters~~ 103, 252J, and 272D.

ITEM 11. Adopt the following new 661—Chapter 505:

CHAPTER 505  
ELECTRICIAN AND ELECTRICAL CONTRACTOR  
LICENSING PROGRAM—CONTINUING EDUCATION

**661—505.1(103) General requirements.**

**505.1(1)** Each holder of a three-year license shall complete 18 hours of continuing education approved by the board between the time of issuance of the license and prior to issuance of a renewal license.

EXCEPTION: A holder of a license in a category which may be issued for a three-year period whose license is issued for less than a three-year period shall complete at least 6 hours of continuing education prior to renewal of the license for each year or portion of a year for which the license has been issued.

**505.1(2)** Each holder of a one-year license shall complete 6 hours of continuing education approved by the board between the time of issuance of the license and prior to issuance of a renewal license. Information about approved continuing education courses may be obtained by contacting the board office.

**661—505.2(103) Course approval.** Any person or institution that offers continuing education courses to meet the requirements of rule 661—505.1(103) shall submit an application to the board office on a form specified by the board. Approval by the board shall be obtained prior to a course's being offered to a licensee in order to meet the requirements of rule 661—505.1(103).

These rules are intended to implement Iowa Code chapter 103.

ITEM 12. Adopt the following new subrule 550.5(8):

**550.5(8)** No fee shall be assessed for the issuance of a permit or the performance of an inspection of a temporary electrical installation if the installation is intended to provide electrical service to an event benefitting a nonprofit association representing volunteer emergency service providers.

ITEM 13. Adopt the following new definitions of "Emergency installation" and "Farm" in rule **661—551.2(103)**:

*"Emergency installation"* means an electrical installation necessary to restore power to a building or facility when existing equipment has been damaged due to a natural or man-made disaster or other weather-related cause. Emergency installations may be performed by persons properly licensed to perform the work, and may be performed prior to submission of a request for permit or request for inspection. A request for permit and request for inspection, if required by rule 661—552.1(103), shall be made as soon as practicable and, in any event, no more than 72 hours after the installation is completed.

*"Farm"* means land, buildings and structures used for agricultural purposes including but not limited to the storage, handling, and drying of grain and the care, feeding, and housing of livestock.

ITEM 14. Amend rule 661—552.1(103) as follows:

**661—552.1(103) Required permits and inspections.**

**552.1(1)** Permits and inspections are required for any of the following electrical installations that are initiated on or after February 1, 2009:

1. a. All new electrical installations for commercial or industrial applications, including installations both inside and outside buildings, and for public-use buildings and facilities and any installation at the request of the owner.

2. b. All new electrical installations for residential applications in excess of single-family residential applications.

3. c. All new electrical installations for single-family residential applications requiring new electrical service equipment.

4. d. Any existing electrical installation observed during inspection which constitutes an electrical hazard. Existing installations shall not be deemed to constitute electrical hazards if the wiring was originally installed in accordance with the electrical code in force at the time of installation and has been maintained in that condition.

5. e. ~~Installations~~ Inspections of alarm ~~systems or alarm system components~~ installations, ~~as provided in rules for which are intended to be adopted as new~~ 661—Chapter 560.

EXCEPTION 1: Installations in political subdivisions which perform electrical inspections and which are inspected by the political subdivision are not required to be inspected by the state electrical inspection program. Any installation which is subject to inspection and is on property owned by the state or an agency of the state shall be inspected by the state electrical inspection program. An electrical installation on a farm which is located outside the corporate limits of any municipal corporation (city) shall not be

inspected by a political subdivision, shall require a state electrical permit, and may be subject to a state electrical inspection, unless the installation is subject to Exception 2 or Exception 3.

EXCEPTION 2: Any electrical work which is limited to routine maintenance shall not require an inspection.

EXCEPTION 3: Neither a permit nor an inspection is required for an electrical installation which meets all of the following criteria:

1. The installation is legally performed by a master electrician, journeyman electrician, or apprentice electrician working under the direct supervision of a master or journeyman electrician.

2. The installation to be performed does not in any way involve work within an existing or new switchboard or panel board.

3. The installation to be performed does not involve over-current protection of more than 30 amperes.

4. The installation to be performed does not involve any electrical line-to-ground circuit of more than 277 volts, single phase.

**552.1(2)** The owner of a property on which multiple electrical installations may be performed during a 12-month period may apply for an annual permit to cover all such installations. The holder of an annual permit shall maintain a log of all installations performed pursuant to the annual permit. The owner shall cause the electrical inspection program to be notified of any such installation requiring an inspection and shall be subject to fees for such inspections as though an individual permit had been issued for each installation requiring an inspection. The fee for an annual permit shall be \$100. The log shall be available to an electrical inspector on the request of the inspector.

ITEM 15. Amend rule 661—552.2(103), introductory paragraph, as follows:

**661—552.2(103) Request for inspection.** Prior to commencement of any electrical installation, the person making such installation shall notify the electrical inspection section of the installation by applying for a permit, unless the installation is covered by an annual permit issued pursuant to subrule 552.1(2), and shall request an inspection of the installation through one of the following methods: